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DEPARTMENT FOR AF/E SUSAN DRIANO

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [ASEC](#) [PINS](#) [SOCI](#) [PINR](#) [KE](#)
SUBJECT: KENYA: POLICE REFORM

¶1. (C) Summary. A combination of domestic-driven and international pressure, particularly from the U.S., may bring about some police reform by the fall. The recently-appointed Task Force on Police reform, which was initially greeted with skepticism, is led by a reputable former judge intent on presenting recommendations for major overhaul of the police. A big question is whether Police Commissioner Ali will be removed, since no meaningful reform can take place under his watch. We are working with the Task Force and will maintain pressure for reform. End summary.

¶2. (C) Reform of the police is a key part of the reform agenda adopted when the coalition government was formed. The Waki Commission, formed as part of the political settlement last year, issued a report which called for sweeping reform of the police. The coalition government recently appointed a Task Force on Police Reform, which is expected to present its findings by the end of July. Initially there was great skepticism about the Task Force, which was seen as a possible attempt either to undercut the Waki recommendations on the police or to delay police reform. However, the Task Force could end up being a credible mechanism to trigger serious police reform, particularly if it focuses on a few critical reforms (such as establishment of an internal affairs unit and an external oversight board). Septels will lay out in detail issues relating to the police.

¶3. (C) The Task Force is headed by Phillip Rensley, a reputable former judge who is well-regarded. The Task Force has requested and accepted foreign expert assistance, and there is already a UK-funded expert. We have offered expert assistance through resources already available at our Mission. If the Task Force requests further assistance, we will seek Washington support for provision of expertise.

¶4. (C) The Ambassador recently met with Rensley. He acknowledged the skepticism initially evident regarding the Task Force, but insisted that he is determined to make recommendations for fundamental changes. He said that he would do this in a transparent manner, by holding hearings throughout the country and through consultation with civil society, and partners such as the U.S. Rensley said that he already had in mind a basic recommendation to establish an independent body which could receive and adjudicate allegations of police corruption and abuse. The Task Force, he said, will present detailed recommendations which can be implemented immediately. The Task Force will, for example, present draft legislation on police reforms that Rensley hopes will require major changes to be made quickly. President Kibaki has just announced a proposed restructuring of the police senior command. Whether this is intended as the beginning of serious reform or as a means of pre-empting the Task Force remains to be seen.

¶5. (C) Rensley agreed that it will be difficult, if not impossible, to carry out meaningful reform while Police Commissioner remains in office. Rensley, however, skirted the Ambassador's question whether the Task Force would recommend Ali's removal. There is increasing speculation)

some of it sourced to the President,s team) that the Task Force will be used as a means to force out Ali and to replace him with a professional police person. The media recently quoted a State House source as stating that &we are determined to dismiss Ali but on the basis of the task force which is also investigating his conduct. We can not sack him using the UN report since that would be tantamount to surrendering our sovereignty to foreign forces.8 Interestingly, in a conversation with the Ambassador about a month ago, Finance Minister Uhuru Kenyatta told the Ambassador that he and a group of others around the President had persuaded him to dismiss Ali, but then the initial report of Professor Alston, the Special Rapporteur on Extrajudicial Killings, had come out. This, Kenyatta said, derailed efforts to remove Ali, since the President did not want to be seen as responding to such direct pressure. (The Alston report specifically called for Ali,s dismissal.)

¶16. (C) The Alston report on extrajudicial killings coupled with the pressure that the U.S. and others have been exerting on this issue has, however, escalated efforts to remove Ali and to reform the police. Alston,s final report was just released and has been prominently covered in the Kenyan media (details septel).

¶17. (C) Pressures are converging which may result in significant reform of the police, including the removal of Commissioner Ali. That said, it is worth noting that Ali reportedly enjoys the protection of the President,s spouse Lucy, and he undoubtedly has a great deal of damaging information about a lot of key people. Ali, an active duty military officer, could be given a soft landing in the armed

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forces, but there is reportedly no enthusiasm among the military for his return there.

¶18. (C) We will continue to encourage and support the Task Force to develop meaningful recommendations for serious police reform, and expeditious implementation of them.
RANNEBERGER